

HERSHANDHERSH  
A Professional Corporation

NANCY HERSH, ESQ., State Bar No. 49091  
MARK E. BURTON, JR., ESQ., State Bar No. 178400  
RACHEL ABRAMS, ESQ., State Bar No. 209316  
JEANETTE HAGGAS, ESQ., State Bar No. 244713  
HERSH & HERSH  
A Professional Corporation  
601 Van Ness Avenue, 2080 Opera Plaza  
San Francisco, CA 94102-6388  
Telephone: (415) 441-5544  
Facsimile: (415) 441-7586

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

|                             |   |   |
|-----------------------------|---|---|
| STATE OF CALIFORNIA ex rel. | ) | CASE NUMBER 07-CV-04911-CRB                   |
| JAYDEEN VICENTE and JAYDEEN | ) |   |
| VICENTE Individually,       | ) | <b>DECLARATION IN SUPPORT OF <i>EX</i></b>    |
|                             | ) | <b><i>PARTE</i> APPLICATION TO EXCEED THE</b> |
| Plaintiffs,                 | ) | <b>15-PAGE LIMITATION ON OPPOSITION</b>       |
|                             | ) | <b>BRIEFS</b>                                 |
| vs.                         | ) |   |
|                             | ) |   |
| ELI LILLY AND COMPANY,      | ) |   |
|                             | ) |   |
| Defendant.                  | ) |   |

1  
2 I, Mark Burton, declare:

- 3 1. I make this declaration in support of Plaintiff-Relator's Ex Parte  
4 Application to exceed the 15 page limitation on opposition briefs.  
5  
6 2. I am an attorney in good standing of the California Bar and the United  
7 States Northern District of California.  
8  
9 3. I contacted two attorneys at Sidley Austin primarily responsible for the  
10 representation of Defendant in this matter by email on November 15,  
11 2007. My email requested a stipulation for Vicente's Opposition to  
12 Defendant's Motion to Dismiss to exceed the 15 page limitation set by this  
13 Court's standing orders. That evening I discussed the stipulation with both  
14 of those attorneys and my request for the normal 25 page limitation was  
15 refused. Thus, necessitating this Ex Parte request. Defendant's attorneys  
16 are aware that Vicente would file this request today.  
17  
18 4. The Opposition brief involved an analysis of complicated legal issues  
19 regarding qui tam cases involving issues of law and fact and can not be  
20 adequately briefed within 15 pages.  
21

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct, and that this declaration was executed on November 16,  
24 2007, at San Francisco, California.

25  
26 By   
27 MARK BURTON